United Nations A/71/582

General Assembly

Distr.: General
28 October 2016

Original: English

Seventy-first session
Agenda item 68 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 26 October 2016 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the comments and observations of the Islamic Republic of Iran on the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/71/418) (see annex).

I would appreciate it if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 68 (c).

(*Signed*) Gholamali **Khoshroo**
Ambassador
Permanent Representative

16-18884 (E) 031116

Please recycle

Annex to the letter dated 26 October 2016 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Comments and observations by the Islamic Republic of Iran on the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

1. The most recent report of the Special Rapporteur (A/71/418) is another ill-intended and politically motivated document and a futile routine that has nothing to do with the promotion and protection of human rights. It is nothing but the waste of otherwise available opportunities for the cause of true human rights. The performance of the Special Rapporteur during his tenure has persistently and starkly contradicted the basic principles of impartiality and professionalism that are the main pillars of the Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council, as contained in Council resolution 5/2. During his term, the Special Rapporteur took an unhealthy, biased approach in fulfilling his mandate, the result of which was that the role of the Special Rapporteur was reduced to a political tool at the service of some western media outlets. As the mandate itself was not established to genuinely promote and protect human rights, the Special Rapporteur was also never serious about building mutual confidence and respect and establishing a constructive dialogue. It should not come as a surprise that a prejudiced mandate could not produce a better outcome.

2. The report once again brings to light the unfortunate fact that the United Nations human rights mechanisms continue to be manipulated and politicized by applying selectivity, double standards and political manoeuvring as their modus operandi. The counterproductive approach embodied in the report can only further erode the legitimacy, integrity and relevance of the United Nations human rights mechanisms and make them even less credible. Beyond political considerations, there is no credible ground for producing annually four almost similar reports on the human rights situation in the Islamic Republic of Iran. The duplication of false and biased allegations neither substantiates nor gives credibility to such reports that are basically carbon-copied. The content, structure and approach of the report under question make it objectionable in its entirety.

3. It is instructive to notice that the report almost completely disregards the democratic and dynamic environment that exists inside Iran. As an indication of the Government's adherence to respect for and promotion of human rights, during the past four decades, numerous elections have decided the country's direction in both internal and foreign affairs. In February 2016, the tenth parliamentary election was held in a free, democratic and competitive setting. As a result, the number of women parliamentarians has significantly increased in the new Parliament. Iranians will go to the ballot boxes once again in May 2017 for the twelfth presidential election. Ballot boxes actually rule the country and have contributed to creating peaceful democratic processes and raising the level of transparency and accountability as inherent characteristics of Iran's vibrant social and political life. It explains a lot that the report decided not to consider these developments, as if democracy and ballot boxes were not important enough when it comes to the human rights situation in certain contexts.

4. A distinctive nature of the report is its overwhelming attempt to whitewash criminals, armed drug dealers, terrorists, rapists and spies, as well as their brutal conduct against ordinary Iranian citizens. A big chunk of the report is allocated to openly or tacitly defending those who do not recognize any rights for their victims. The persistent inclination of the report in disparaging the Government's decisiveness and dedication in protecting people's safety and security is absolutely unbearable. It is unfortunate that the report does this, to the extent of labelling terrorists as political prisoners. The mandate does not qualify the authors to imbue the report with arbitrary judgments or preferences. Member States are solely required to act within the confines of their national laws and international conventions to which they are party.

5. It is also striking that the report expects the Government to avoid confronting immoral and pornographic content on the Internet as it embellishes breaking relevant national laws and regulations as artistic creativity. In addition, the report expresses concern that the Government seeks to store Iranian users' data on Iranian servers and considers it a risk to their privacy, as if their privacy would be better ensured and protected should Iranians' information be stored on foreign servers. Another strange pattern traceable throughout the report is the insistence on very isolated cases that are unfortunate incidents that may happen everywhere on a daily basis. Even beating a student by a teacher in a classroom, which is regrettable in its own place, has found its way into the report.

6. As a country on the front line in countering illicit drugs, the Islamic Republic of Iran has sustained huge life and property losses in protecting its citizens and part of the global community from the evil of addiction. Thus far, in the course of Iran's relentless campaign against regional and international armed drug traffickers, around 4,000 law enforcement officers have lost their lives and 12,000 have been maimed. On average, more than 80 per cent of the world's opium and approximately 40 per cent of the world's heroin and morphine are seized in Iran, so much so that, in 2015 alone, approximately 620 tons of different types of drugs were seized in Iran. The support provided by the international community, however, has been minuscule. Once again, the report prefers to overlook this exceptional situation and to side with the drug traffickers who are typically armed and linked to transnational organized crime and terrorist networks. The report seems not to be at all concerned about the young generation whose lives are being utterly destroyed by these criminals or the family members of the police officers who are murdered by such criminals. Owing to the severity of the crime and as a strong deterrent measure, capital punishment for trafficking in large quantities of drugs, that habitually involve live arms, is stipulated in the law. Nonetheless, in order to evaluate the deterrence of the national drug policy, national discussions on properly revising the law are ongoing.

7. Iran is a country formed by ethnic and religious minorities. Iran has, for thousands of years, been a refuge for minorities. The appreciation for and recognition of minorities is an outstanding characteristic of the country's past, present and future. However, the insistence of the report in implying the existence of division and intolerance in the society is incomprehensible. Fabrication of non-existent situations indicates only the author's unconstructive and biased approach. Of course, since everyone, regardless of religion or ethnicity, is expected

to be equal before the law, belonging to a minority cannot and should not afford impunity to any violator.

8. Specific cases have been raised in the report that have been responded to in detail separately. However, the gravity of such cases is not greater than that of similar ones in most countries to warrant country-specific reports or resolutions. No country can claim to be perfect, including Iran. There is always room for and the possibility of improving laws to the extent that they do not contradict social norms acceptable to citizens. Obviously, no country could and should be expected to abandon its laws just to curry favour with a few who wish to impose their way of living on others. As a matter of fact, the cornerstones of our laws and regulations are shared by almost all countries in our region and by other Muslim countries. Therefore, their foundation and application are not exclusive to a single country or even region.

9. Should there be any genuine concern about human rights, mutual respect and dialogue is the correct path. The Islamic Republic of Iran is committed to the universal periodic review process and cooperation with all treaty bodies to which it is a party, as well as to the Office of the United Nations High Commissioner for Human Rights. We also expect to host, in the coming year, two thematic Special Rapporteurs while extending our hands for dialogue and cooperation. In fact, President Hassan Rouhani's policy of constructive engagement with the world promises new horizons for dialogue-based cooperation, understanding and mutual respect in all fields, including human rights. To enhance the credibility of human rights discourse, we seek respectful dialogue without recrimination or a blame-game and welcome meaningful engagement with all serious partners. This report simply does not serve such an end.